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December 7, 2007

BY E-FILING

Magistrate Judge Leonard P. Stark
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Re: *Phoenix Payment Systems, Inc. d/b/a Electronic Payment Exchange v.
Lexcel, Inc. and Lexcel Solutions, Inc., C.A. No. 07-537 (***)*

Dear Magistrate Judge Stark:

Pursuant to the Rule 16 teleconference that was held on December 5, 2007, the parties have conferred and consent to have Your Honor decide Plaintiff's Motion To Dismiss Lexcel's Counterclaim (D.I. 12).

In addition, the parties request that the following language be substituted for the second sentence in paragraph 2 of the proposed Scheduling Order:

All motions to amend or supplement the pleadings, other than any amendments provided for by this Court in its ruling on counterdefendant's outstanding motion to dismiss, shall be filed by May 1, 2008.

Respectfully,


Julia Heaney

JH:ncf

cc: Clerk, U.S. District Court (by hand delivery)
Jason Reed (by e-mail)
C. Barr Flinn (by e-mail)
Chad S. C. Stover (by e-mail)